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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,740	01/16/2002	George Krikorian	50064	3485

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EXAMINER

AMIRI, NAHID

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/042,740

Applicant(s)

KRIKORIAN ET AL.

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

Claims 11-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,164,018 Runge et al., further in view of US Patent No. 6,407,798 B2 Graves et al., US Patent No. 5,890,323 Errato, US Patent No. 3,313,068 Pinto.

In regard to claim 11: Runge discloses the claimed invention Fig. 1, the structure having a plurality of individual theaters. Runge does not disclose the theater having an upper, a lower and a middle level for projector, having separate entrance and exit and separate mezzanine and concession facilities for upper and lower level. Graves teaches Fig. 1, column 2, line 38-40, a theater 10 including lower seating level A (see attachment) and upper seating level B (see attachment) and a middle level C (see attachment) for use of a motion picture projection camera, having separate mezzanine and for lower and upper seating. Errato teaches Fig. 6, column 4, lines 49-56, having separate mezzanine 150 for upper level 38. Pinto teaches Fig. 7, column 5, lines 71-75, having separate exit and entrance for each level by having elevators 31. It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify each theater of Runge's invention to have three levels with upper and lower seating and middle level for projection and having separate mezzanine, entrance and exit for a lower and upper level in order to construct a theater with two distinct seating levels which separated from projector level and facilitated entering and exiting the theater. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide a separate concession for upper and lower level in order to allow the audience on each floor to have easy access to refreshments.

\*Applicant's claim merely recites well known features in the theater art.

In regard to claim 12: Runge discloses the claimed invention except having a plurality of theater having at least one regular motion picture theater and at least one for large format motion picture theater. Graves teaches Fig.1, column 2, line 41-44, the theater 10 capable of performing as a regular or large motion picture projection theater by having different type of screens 14 and

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16. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide one of the theater of the Rung's invention with regular motion picture projection and another one of his theater with large motion picture projection in or second screen of the Grave's invention in order for audience to be able to view different type of motion picture.

In regard to claim 13: Runge discloses the claimed except having each segregated level having seating for disabled other than front of the theater. Graves teaches Fig. 1, each segregated seating level A and B has seating D (see attachment) and D' (see attachment) for disabled patrons at areas other than only at the very front of the theater 10. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide each level with disabled seating area other than front of theater in order to have better viewing position of the screen for disabled person.

In regard to claim 14: Runge discloses the claimed except having multiple sound speaker placed throughout the theater. Graves teaches the claimed invention Fig.1, column 4, line 13-15, a theater 10 having a multiple sound speakers 32a-g placed throughout the theater 10. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the multiple sound speakers throughout the theater in order to supplement the sound system for the wide screen.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,164,018 Runge et al., in view of US Patent No. 6,407,798 B2 Graves et al.,

In regard to claim 15: Runge discloses the claimed invention except having a plurality of theater having at least one regular motion picture theater and at least one for large format motion picture theater. Graves teaches Fig.1, column 2, line 41-44, the theater 10 capable of performing as a regular or large motion picture projection theater by having different type of screens 14 and 16. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide one of the theater of the Rung's invention with regular motion picture projection and another one of his theater with large motion picture projection in or second screen of the Grave's invention in order for audience to be able to view different type of motion picture.

***Response to Arguments***

In Remarks/Arguments, Applicant points out that the **Runge '018** teaches a structure with a plurality of individual theater, **Grave '798** teaches a single theater with multiple seating levels and dual screens for viewing differently formatted motion pictures, **Errato '323** teaches a separate balcony level, and **Pinto'068** teaches an auditorium with a plurality of seating levels and screen and circular seating, Applicant believes claim 11, more than just the sum its parts because it provides a theatrical structure that is adaptable to live audience presentation with different formatted motion picture and segregated viewing levels with separate mezzanine and concession area for each segregated viewing level, therefore it makes obsolete the **Runge '018, Graves '798, Errato '323 and Pinto '068** structures, Further the structure claim 11 is adaptable to future technology such as plasma screens and the like whereas this is not so with **Runge '018, Graves '798, Errato '323 and Pinto '068 structure taken individually or in combination.** Applicant argues if it were obvious to combine the two references it would already have been done. **Claim 12**, no motivation or teaching to combine the Runge '018, and Graves '798, wherein the Graves '798 eliminate the need for dual screens and providing for the viewing of differently formatted motion pictures and wherein the Runge '018 suggests to solves the problem of lowering construction cost. **Claim 13**, addition of seating for the disable at both the upper and the lower levels to the structure which taken as a whole makes obsolete all prior art and no motivation is present combining the Runge '018 and Graves '798. **Claim 14**, sound system of multiple speakers place on a frame on the stage of the theater which produce dead spots of sound throughout the viewing level of the theater wherein the present invention having multiple speakers throughout the theater to eliminate dead spots which does not recognized by Graves '798. **Claim 15**, the combination of Runge'018 and Graves '798 would not result in the applicant' invention because Graves '798 discloses a dual screen theater and present invention teaches one screen for each motion picture format for each theater. Examiner disagrees.

In regard to claim 11, in page 3, lines 22-28, of his argument **applicant admits the combination of Runge '018, Graves '798, Errato '323 and Pinto '068 would result in a structure similar to that in present claim 11.** Therefore, it clearly shows it is obvious having

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combination of all four stated above prior arts will result the limitations of claim 11. The reason nobody else claimed this combination before because they knew this combination is obvious to ordinary skill in the art. **Claim 12**, the Runge '018 teaches only having a plurality of theater and it is obvious to modify and construct inside of each individual theater of Runge '018 with Grave's invention in order to create specific design for each theater. **Claim 13**, as stated above Graves '798 teaches each level A and B with seating area D and D' for disabled patrons other than only at the very front of the theater. **Claim 14**, as stated above Graves '798 having a multiple sound speakers 32a-g, throughout of the stage front of the theater, and it is obvious design choice to install the speakers throughout the theater in order to supplement the sound system for the wide screen. **Claim 15**, as stated above it would have been obvious to one of ordinary skill in the art to modify the screen for viewing of the Rung's invention with Grave's invention by using just one of the screen format of the Graves '798 in each theater in order for audience to be able to view different type of motion picture.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-6839. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone

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are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nahid Amiri  
Examiner  
Art Unit 3635  
February 2, 2005



**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**